

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Cr. No. 21-173 (PJS/DTS)

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UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )  
v.                            )  
                                )  
ANTON JOSEPH LAZZARO, )  
                                )  
                                )  
Defendant.                 )

**DEFENDANT'S MOTION  
TO COMPEL THE DISCLOSURE  
OF "TAINT TEAM" MATERIALS**

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On December 15, 2020, Mr. Lazzaro's downtown condominium was searched pursuant to a search warrant signed by Magistrate Bowbeer. As a result of that search, over 21 electronic devices were seized, including phones, jump drives, and laptops. The Defense is aware that the Government is in possession of communication and materials shared between Mr. Lazzaro and his former and current attorneys, and it has been handled by a separate "taint team" of lawyers within the Office of the United States Attorney that have presumably reviewed all of the privileged content.

Mr. Lazzaro has made the Government aware of his desire to review this discovery. Undersigned Counsel has reached out to the Government as early as October 29, 2021 seeking disclosure of this protected, privileged material, *See Exhibit 1*, and as recently as the Meet and Confer conducted on January 10, 2022. The Government has refused satisfy its disclosure obligations. The material within the Government's possession is protected by Mr. Lazzaro's Fifth and Sixth Amendment rights to due process and attorney-client privilege, and the law demands that it be turned over to him immediately.

Therefore, the Defendant, Anton Lazzaro, by and through his undersigned attorneys, pursuant to Rule 16(a)(1)(B), *Brady v. Maryland*, 373 U.S. 83 (1963); and the Fifth and Sixth Amendments, respectfully moves for an order compelling the disclosure of any evidence in possession of the Government or any of its agents regarding the privileged communications between Mr. Lazzaro and his defense team, both former and the undersigned. Further, said disclosure should be ordered to be made without regard to whether the evidence to be disclosed may be admissible at the trial herein, and ordered to include but not be limited to the following:

1. All of the privileged content possessed and accessed by the Government, including
  - a. Emails, letters, SMS text and/or in-app direct messages, or other correspondence including attachments;
  - b. Memorandum, strategy documents, legal research, investigation work, or other materials produced for the purpose of counseling and defending Mr. Lazzaro;
  - c. Audio/video recordings of any kind, in any format, including within applications;
  - d. Any other materials related to the privileged communications and/or defense strategy discussed/provided/created for Mr. Lazzaro;
2. A detailed report of what the Government's "taint team" reviewed;
3. What procedures they used to evaluate claims of privilege; and
4. A detailed report/list of each and every document and/or piece of data the "taint team" turned over to the "investigative team" (i.e. Ms. Provinzino and Ms. Munoz) after the taint review.

This motion is based upon the files, records and proceedings herein, such testimony as may be presented at the motion hearing, and any briefing requested by the Court thereafter. Mr. Lazzaro further requests the opportunity to leave to file additional motions based on the Government's

disclosures; relevant motions would have been filed pursuant to the current filing deadline had the Government turned the items over with its initial disclosure. However, without knowing specifically what the Government has, Mr. Lazzaro cannot meaningfully prepare his defense in this case. That is what he now seeks.

Respectfully submitted,

Dated: January 14, 2022

/s/Catherine Turner  
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Dated: January 14, 2022

/s/Zachary Newland  
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#### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was duly filed and served upon counsel of record, via the Court's CM/ECF system, this 14th day of January 2022.

/s/Catherine Turner  
Catherine Turner